

Appl. No. 09/582,623
Amndt. Dated June 2, 2003
Reply to Office action of March 3, 2003

PATENT AF
RESPONSE UNDER 37 C.F.R. §116
EXPEDITED PROCEDURE
EXAMINING GROUP 3641

REMARKS

Applicants' undersigned counsel thanks the Examiner for the careful consideration given the application. Claim 29 has been amended and is now an independent claim containing all of the limitations found in claim 17. New claims 33-36 depend from claim 29 and contain the limitations found in claims 18-21.

In the previous Office action the Examiner objected to claim 29, stating that it would be allowable if rewritten as an independent claim incorporating the elements of claim 17 (its base claim). Claim 29 has accordingly been amended to include the limitations of claim 17. New claims 33-36 depend from claim 29 and correspond to claims 18-21.

In the previous Office action the Examiner rejected claims 17-21 and 32 under 35 U.S.C. 102 as being unpatentable over any of Taylor, Cornic or Butler et al. The Examiner has responded to applicant's arguments, stating that limitations or statements of intended use do not serve to distinguish the claimed structure over that of the references. Applicant points out that the term "transport device" in the claims does not recite an intended use but rather sets forth the subject of the claimed device. In this case, the subject is a nuclear fuel transport device, i.e., a device conceived and adapted to transport nuclear fuel, and nothing else. This recitation conveys to one skilled in the art the basic structure necessary to a nuclear fuel transport device, which is then further defined in the claims. For this reason also, one skilled in the art would not interpret the "nuclear fuel transport device" of the claims to include the generator or reactor of Taylor, Cornic, or Butler.

The Examiner has also stated that nuclear reactors are inherently capable of being transported. Nevertheless, in use the nuclear reactors are installed in a fixed manner on the ground or on a ship. One skilled in the art would interpret the term "transport device" to mean a device to carry the nuclear fuel between a storage facility and a location where the fuel is used. A skilled practitioner would therefore not consider a nuclear reactor to be a "transport device". Assuming arguendo that the Examiner is correct that a reactor is a "transport device", it begs the question of why separate transport devices are used for transporting the fuel assemblies of these reactors.

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For these reasons, applicant emphasizes that the term "nuclear fuel transport device" imports necessary structure, and is not merely a statement of intended use. Furthermore, the term "transport device" does not include reactors or generators. For these reasons, claims 17-28 and 30-31 define over the cited art.

For the reasons set forth above, it is believed that claims 17-31 and 33-36 define over the cited art. All objections and rejections from the Office have now been addressed and a notice of allowance is respectfully requested.

If there are any fees required by this communication, please charge such fees to our Deposit Account No. 16-0820, order No. 34988.

Respectfully submitted,

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